

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TEMUJIN LABS INC. (a Delaware and  
Cayman Islands Corp.),  
Plaintiff,  
v.  
TRANSLUCENCE RESEARCH, INC., and  
others,  
Defendants.

Case No. 21-cv-09152 NC

**ORDER GRANTING IN PART  
DEFENDANTS' MOTION TO  
DISMISS OR STAY;  
VACATING CMC; STAYING  
CASE**

Re: Dkt. No. 26

Defendants Translucence Research, Benjamin Fisch, Charles Lu, and Nathan  
McCarty move to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) or  
in the alternative to stay the case in deference to an earlier-filed state court case. Dkt. No.  
26. This Order finds that the Complaint is substantially similar to the parallel Santa Clara  
County Superior Court proceeding entitled *Temujin Labs, Inc. v. Abittan, et al.*, Case No.  
20-cv-372622. Pursuant to *Colorado River Water Conservation Dist. v. United States*, 424  
U.S. 800 (1976), this case will be stayed pending the conclusion of the state court case or  
further court order. This Order does not reach the other arguments raised in the motion to  
dismiss. Those arguments may be reasserted by Defendants after the stay is lifted.

1 The Clerk of Court is requested to vacate all dates, including the February 1 case  
2 management conference. The case will be administratively closed. The closure is  
3 administrative only. Any party may move to reopen the case at any time.

4 Plaintiffs must notify this Court within 7 days after the conclusion of the state court  
5 case. Additionally, Plaintiffs must file a short status report on the state court case every 6  
6 months. The first report will be due August 1, 2023.

7 Finally, the stay does not apply to Plaintiffs' efforts to serve defendants Fernando  
8 Krell, Philippe Camacho Cortina, and Luoyuan (Alex) Xiong. As discussed in Plaintiffs'  
9 most recent Case Management Statement, Dkt. No. 24, those defendants have yet to be  
10 served with the Complaint and summons and have not appeared.

11  
12 **IT IS SO ORDERED.**

13  
14 Dated: January 31, 2023

15   
16 NATHANAEL M. COUSINS  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28